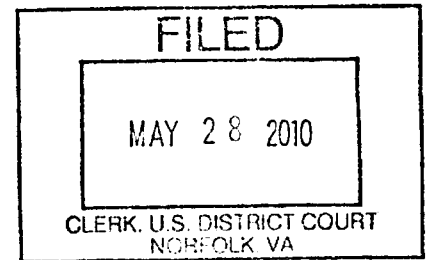


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



ANNETTE GASTMIER,

Plaintiff,

v.

ACTION NO. 4:09cv117

MICHAEL J. ASTRUE, COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. §§ 1383(c)(3) seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") denying plaintiff's claim for a period of disability insurance benefits ("DIB"), and supplemental security income ("SSI") under Title XVI of the Social Security Act.


On November 17, 2009, this matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72(b) of the Federal Rules of Civil Procedure for report and recommendation. Report of the magistrate judge was filed on May 6, 2010, recommending that the final decision of the Commissioner be affirmed. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court has received no objections to the magistrate judge's report

and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve the findings and recommendations set forth in the report of the United States Magistrate Judge filed May 6, 2010. Accordingly, plaintiff's motion for summary judgment is **DENIED**; defendant's motion for summary judgment is **GRANTED**; and, the final decision of the Commissioner is **AFFIRMED**.

Plaintiff may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk shall forward a copy of this Final Order to counsel for plaintiff and defendant.

/s/
Rebecca Beach Smith
United States District Judge 

REBECCA BEACH SMITH
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May 27, 2010